

JUSTICE DURAND PLACED ON TRIAL

Appears Before Holm, His Col-
league, Charged With
Threats to Kill.

EVIDENCE IS SUBMITTED

COURT'S DECISION IS TO BE REN-
DERED LATER.

Charles F. Durand, police justice of Murray, who threatened to kill J. S. Barlow, editor of the Murray Eagle, Aug. 27, was before Justice Charles Holm yesterday morning in that city. Barlow was on the stand for some time and repeated his version of the trouble between Durand and himself. The state was represented by Assistant County Attorney Willard Hanson, and the defendants by Attorney A. L. Hoppaugh of Salt Lake. Mr. Barlow admitted writing the numerous stories printed about Durand to the effect that the justice was the agent of F. G. Luke. Coming to the threat itself, Attorney Hoppaugh asked the witness a number of questions to bring out the point that Durand had threatened to shoot Barlow on the one condition, that his name appeared again in the latter's paper.

Barlow's story on the stand was in substance as follows:
"About 7 o'clock in the evening of Aug. 27 Durand, accompanied by A. M. Willumsen passed the Eagle of- fice. A few minutes later Durand re- turned and, standing at the door of my office, dared me to come outside. I refused to do this, wishing to avoid any scene, and invited Barlow inside where we could talk over our differ- ences privately. He refused to do this and called me a dirty coward."
"I will blow the top of your head off if you use my name again, so help me God!" he concluded.

This testimony was corroborated by V. Shurtliff, J. P. Cahoon and other persons who had been present. Mr. Cahoon talked with Durand after this affair at the former's home. "Durand told me he would surely kill Barlow if another attack was made upon him by the Eagle," he said.

Case Goes Over.

When all witnesses had been exam- ined and cross-examined both attor- neys agreed to submit written briefs. Instead of making oral arguments. These briefs will be in Justice Holm's hands in five days, and a decision will then be rendered. The state will con- tend that a newspaper has the right to publish any man's name in a news item, and if the item is slanderous or libelous civil remedy is offered the person wronged. A threat on a man's life constitutes a crime, and the state will demand that Durand be punished ac- cordingly.

Mr. Hoppaugh, for the defense, will contend that a man can make a threat and commit no crime. As an illustra- tion of his point, he said yesterday af- ternoon:

"If A threatens to burn B's house, B has a right to threaten to shoot A. At the instant he puts his foot on B's ground with a match on his person."

After the trial Mr. Barlow went to his office and wrote "copy," in which Durand's name figures.

Cultivate the habit of asking for the MOUNT make of Pickles, Pork and Beans and all other relishes. You will be repaid in best quality.

REAL ESTATE TRANSFERS.

Frances A. Langton to Charles W. Raeburn, lots 47, etc., block 2, 375
D. L. Parker to Charles W. Raeburn, lots 46, etc., block 2, 1,000
Arthur Meade to L. E. Sprague, lot 28, block 2, Langton park, 2,500
Simon Bamberger to Albert Prince, lots 2, etc., block 2, Hamlet addition, 140
Joseph Warburton to Samuel E. Warburton, part of lot 4, block 17, plat B, 1
Joseph Warburton to Samuel E. Warburton, part of lot 4, block 17, plat B, 2,206
T. A. James to N. A. Frederickson, lots 4, etc., block 1, South Bel- mont addition, 450
C. A. Lundquist to Annie Murphy, land in section 25, township 2, south, range 1 west, 750
William D. Sutton to C. W. Midgley, part of lot 8, block 86, plat A, 6,000
Lillian W. Snow to C. W. Midgley, part of lot 8, block 86, plat A, 2,800
John Campbell to Hiram J. Bellman, lots 28, etc., block 2, Belvedere park, 1,100

A LESSON IN HEALTH

Healthy kidneys filter the impurities from the blood, and unless they do this good health is impossible. Foley's Kid- ney Cure makes sound kidneys and will positively cure all forms of kidney and bladder disease. It strengthens the whole system. P. J. Hill Drug Co., the never substitutes.

METEOROLOGICAL REPORT.

Yesterday's Record at the Local Of- fice of the Weather Bureau.

Maximum temperature, 80 degrees; min- imum temperature, 62 degrees; mean tem- perature, 71 degrees, which is 6 degrees above normal; accumulated excess of tem- perature since the first of the month, 11 degrees; accumulated deficiency of tem- perature since Jan. 1, 210 degrees. Total precipitation from 6 p. m. to 6 p. m., trace; accumulated excess of precipitation since the first of the month, 16 inch; accumu- lated excess of precipitation since Jan. 1, 6.8 inches. Relative humidity, 39 at 6 p. m.

Sixty Years' Experience of an Old Nurse.

Mrs. Winslow's Soothing Syrup is the prescription of one of the best female physicians and nurses in the United States, and has been used for sixty years with never-failing success by millions of mothers for their children. During the process of teething its value is incalcu- lable. It relieves the child from pain, cures diarrhoea, griping in the bowels and wind colic. By giving health to the child it rests the mother. Price 75 cents a bottle.

LIGHT FOR DAVIS COUNTY.

Ben E. Rich of Centerville filed an application with the state engineer yesterday for four second-foot of water to be diverted from the Farmington creek, in Davis county. The water will generate 181 horse-power, which will be used for electric lighting and prop- elling machinery in Davis county.

If you need paint you need us. Mor- rison, Merrill & Co., 28 Main St.

For the best garden hose in town go to George G. Doyle & Co., 211 State street. Reliable plumbers.

Ask Your Dealer For *Luxus* The BEER You Like



It is offered to the public today for the first time and from now on the public will be the judge.

We want every one who drinks bottled beer to give "Luxus" one trial—that is all we ask—one trial—then we are willing to take our chances on their regular patronage.

You know that there is as much difference in beers as there is in any other food product. You will notice that "Luxus" tastes different from all others. You will notice it tastes better. **And We Can Tell You Why.**

Send For Our Book: "Luxus Beer"

telling what it is made of, how it is made and why we can abso- lutely guarantee its uniformity of flavor, purity and wholesomeness.

There are many good reasons for its superiority and we want you to know them all.

Here are a few: We use the finest hops grown in Bohemia, selected by our own experts and specially imported for "Luxus" Beer. The Malt is made from the best barley in the world—that grown in the Northwest. The Rice is imported from India where it is grown and then stored until it becomes perfectly conditioned, which cannot be accomplished in less than one year. The water used is from our wonderful Artesian Spring, the purest, healthiest, most sparkling of nature's waters. **And It's Made Just Right.** Not a sticky, heavy beer but a light, nutritious beverage of a pale amber color, something that you will enjoy with your meals as well as for refreshment.

Try It Now—Today. If your dealer cannot supply you, send your order direct to us. We will supply you promptly.

Don't Forget The Name — *Luxus*

Fred. Krug Brewing Company

Omaha, Nebraska

"The Paris"

SATURDAY'S BIG SPECIALS!

THE SUIT THAT'S \$8.95.

\$15 and \$18 Suits at the beginning of the season at this price is remarkable, but that's what we mean to do. We are going to break all low price records and we're not going to wait to do it. Saturday will be the day set aside for a starter and the suit that is advertised is an all wool broadcloth and cheviot and Panama. Made up in the jaunty Eton or the sterling Pony effect. The skirt is extra fine; either pleated or fourfold ef- fect; all sizes; colors, black, blue, red, green.

CHILDREN'S SCHOOL DRESSES.

\$1.50 wool dress, fancy colors 98c
\$3.00 all wool dresses, neatly trimmed with braid and silk embroidered emblem; all sizes \$1.75

NEW FALL WAIST.

White fancy figured waist, extra full blouse effect, box pleat tucks down front; full length sleeve. A regular \$1.50 waist. 98c
Saturday at

Your Hat, Sir!

Our Hats are the product of the best Hat Makers in the business. They not only use the best materials, but they show constantly all the new shapes in broad variety. The beauty of our new Fall Shapes, combined with other qualities, guarantees Hat satisfaction.

Stiff or soft, \$1.50, \$2, \$2.50, \$3, \$3.50 or \$5.00.

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APPALLING!

A GREAT SLAUGHTER

The Stock of the late Tom & Jerry Clothing Co., at 12 W. Third South, Being Slaughtered Unmercifully.

The three days' sales have left a big hole in our stock, but there are many more good bargains. For Monday and all week:

25 Men's Coats and Vests, good values at \$10.00 and \$12.00; for Tuesday and all week..... \$3-45
100 Boys' School Suits, short or long, for week..... \$1-75
50 odd Vests, for men and boys, each..... 25¢
Boys' and Men's Collars, per dozen..... 65¢
Imperial, Manhattan and Monarch Shirts..... 3 for \$1.00

A word to the wise: Get your winter supplies now and save 100 per cent. We have everything that's wearable for the man and boy. Come early—get the best.

M. LEVY, Prop.

12 W. Third South Street. Where the Signs Are.

IF IT HAPPENS IT'S IN THE HERALD.

The Increasing Popularity of Beer.

Step into any public place where liquid refreshments are served and what is the most popular beverage?

During the past summer beer has been more generally used every- where than ever before.

Why? Because beer is in a class by itself—a popular class—standing as it does as the happy medium between total abstinence, on one hand, and intoxicating distilled liquors on the other. Beer is coming to be realized more and more as a real temperance drink—a drink for the masses.

Fisher Beer, the Home Product, Leads Them All.

Its increasing use is enjoyed by thousands who appreciate its fine flavor and know the good qualities it contains. Fisher Beer is a malt food, pleasing to the taste, highly nourishing and strengthening to the body.

Order it. Ask for it.

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Nervous Debility never gets well of it-
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Sex-in-Pills

literally feed the hungry nerves, giving
them the precise ingredients demanded by
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Nervous Debility, replaces wasted tissues,
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